IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION

CIVIL NO. 1:04CV110

SANG U. KIM,)
Plaintiff,)
Vs.	ORDER
SYNTHRON, INC., and FRANK DALE,)
Defendants.)
	_)

THIS MATTER is before the Court on the Magistrate Judge's Memorandum and Recommendation, filed April 19, 2005.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court,
United States Magistrate Judge Dennis L. Howell, was designated to consider pending motions in
the captioned civil action and to submit to this Court recommendations for the disposition of
these motions.

On April 19, 2005, the Magistrate Judge filed a Memorandum and Recommendation in this case containing proposed findings of fact and conclusions of law in support of a recommendation regarding Defendant Dale's motion to dismiss. Counsel for the parties were advised that any objections to the Magistrate Judge's findings were to be filed in writing within 14 days after service of the Recommendation. The period within which to file objections expired on May 6, 2005. No written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed findings of fact are supported by the record and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation that Defendant Dale's motion to dismiss be denied.

IT IS, THEREFORE, ORDERED that the motion of Defendant Frank Dale to dismiss is hereby **DENIED**.

Signed: May 9, 2005

Lacy H. Thornburg United States District Judge